

MANDATE

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

USDC SDNY
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At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 8th day of September, two thousand twenty.

ORDER

EVA WALDMAN, REVITAL BAUER, INDIVIDUALLY AND AS NATURAL GUARDIAN OF PLAINTIFFS YEHONATHON BAUER, BINYAMIN BAUER, DANIEL BAUER AND YEHUDA BAUER, SHAUL MANDELKORN, NURIT MANDELKORN, OZ JOSEPH GUETTA, MINOR, BY HIS NEXT FRIEND AND GUARDIAN VARDA GUETTA, VARDA GUETTA, INDIVIDUALLY AND AS NATURAL GUARDIAN OF PLAINTIFF OZ JOSEPH GUETTA, NORMAN GRITZ, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF DAVID GRITZ, MARK I. SOKOLOW, INDIVIDUALLY AND AS A NATURAL GUARDIAN OF PLAINTIFF JAMIE A. SOKOLOW, RENA M. SOKOLOW, INDIVIDUALLY AND AS A NATURAL GUARDIAN OF PLAINTIFF JAIME A. SOKOLOW, JAMIE A. SOKOLOW, MINOR, BY HER NEXT FRIENDS AND GUARDIAN MARK I. SOKOLOW AND RENA M. SOKOLOW, LAUREN M. SOKOLOW, ELANA R. SOKOLOW, SHAYNA EILEEN GOULD, RONALD ALLAN GOULD, ELISE JANET GOULD, JESSICA RINE, SHMUEL WALDMAN, HENNA NOVACK WALDMAN, MORRIS WALDMAN, ALAN J. BAUER, INDIVIDUALLY AND AS NATURAL GUARDIAN OF PLAINTIFFS YEHONATHON BAUER, BINYAMIN BAUER, DANIEL BAUER AND YEHUDA BAUER, YEHONATHON BAUER, MINOR, BY HIS NEXT FRIEND AND GUARDIANS DR. ALAN J. BAUER AND REVITAL BAUER, BINYAMIN BAUER, MINOR, BY HIS NEXT FRIEND AND GUARDIANS DR. ALAN J. BAUER AND REVITAL BAUER, DANIEL BAUER, MINOR, BY HIS NEXT FRIEND AND GUARDIANS DR. ALAN J. BAUER AND REVITAL BAUER, YEHUDA BAUER, MINOR, BY HIS NEXT FRIEND

Docket Nos.
15-3135-cv (Lead);
15-3151-cv (XAP)

AND GUARDIANS DR. ALAN J. BAUER AND
REVITAL BAUER, RABBI LEONARD MANDELKORN,
KATHERINE BAKER, INDIVIDUALLY AND AS
PERSONAL REPRESENTATIVE OF THE ESTATE OF
BENJAMIN BLUTSTEIN, REBEKAH BLUTSTEIN,
RICHARD BLUTSTEIN, INDIVIDUALLY AND AS
PERSONAL REPRESENTATIVE OF THE ESTATE OF
BENJAMIN BLUTSTEIN, LARRY CARTER,
INDIVIDUALLY AND AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF DIANE
("DINA") CARTER, SHAUN COFFEL, DIANNE
COULTER MILLER, ROBERT L COULTER, JR.,
ROBERT L. COULTER, SR., INDIVIDUALLY AND
AS PERSONAL REPRESENTATIVE OF THE ESTATE
OF JANIS RUTH COULTER, CHANA BRACHA
GOLDBERG, MINOR, BY HER NEXT FRIEND AND
GUARDIAN KAREN GOLDBERG, ELIEZER SIMCHA
GOLDBERG, MINOR, BY HER NEXT FRIEND AND
GUARDIAN KAREN GOLDBERG, ESTHER ZAHAVA
GOLDBERG, MINOR, BY HER NEXT FRIEND AND
GUARDIAN KAREN GOLDBERG, KAREN GOLDBERG,
INDIVIDUALLY, AS PERSONAL REPRESENTATIVE
OF THE ESTATE OF STUART SCOTT
GOLDBERG/NATURAL GUARDIAN OF PLAINTIFFS
CHANA BRACHA GOLDBERG, ESTHER ZAHAVA
GOLDBERG, YITZHAK SHALOM GOLDBERG,
SHOSHANA MALKA GOLDBERG, ELIEZER SIMCHA
GOLDBERG, YAAKOV MOSHE GOLDBERG, TZVI
YEHOSHUA GOLDBERG, SHOSHANA MALKA
GOLDBERG, MINOR, BY HER NEXT FRIEND AND
GUARDIAN KAREN GOLDBERG, TZVI YEHOSHUA
GOLDBERG, MINOR, BY HER NEXT FRIEND AND
GUARDIAN KAREN GOLDBERG, YAAKOV MOSHE
GOLDBERG, MINOR, BY HER NEXT FRIEND AND
GUARDIAN KAREN GOLDBERG, YITZHAK SHALOM
GOLDBERG, MINOR, BY HER NEXT FRIEND AND
GUARDIAN KAREN GOLDBERG, NEVENKA GRITZ,
SOLE HEIR OF NORMAN GRITZ, DECEASED,

Plaintiffs - Appellees - Cross-Appellants,

v.

PALESTINE LIBERATION ORGANIZATION, PALESTINIAN
AUTHORITY, AKA PALESTINIAN INTERIM SELF-GOVERNMENT
AUTHORITY AND OR PALESTINIAN COUNCIL AND OR
PALESTINIAN NATIONAL AUTHORITY,

Defendants - Appellants - Cross-Appellees,

YASSER ARAFAT, MARWIN BIN KHATIB BARGHOUTI, AHMED TALEB MUSTAPHA BARGHOUTI, AKA AL-FARANSI, NASSER MAHMOUD AHMED AWEIS, MAJID AL-MASRI, AKA ABU MOJAHED, MAHMOUD AL-TITI, MOHAMMED ABDEL RAHMAN SALAM MASALAH, AKA ABU SATKHAH, FARAS SADAK MOHAMMED GHANEM, AKA HITAWI, MOHAMMED SAMI IBRAHIM ABDULLAH, ESTATE OF SAID RAMADAN, DECEASED, ABDEL KARIM RATAB YUNIS AWEIS, NASSER JAMAL MOUSA SHAWISH, TOUFIK TIRAWI, HUSSEIN AL-SHAYKH, SANA'A MUHAMMED SHEHADEH, KAIRA SAID ALI SADI, ESTATE OF MOHAMMED HASHAIKA, DECEASED, MUNZAR MAHMOUD KHALIL NOOR, ESTATE OF WAFIA IDRIS, DECEASED, ESTATE OF MAZAN FARITACH, DECEASED, ESTATE OF MUHANAD ABU HALAWA, DECEASED, JOHN DOES, 1-99, HASSAN ABDEL RAHMAN,

Defendants.

Before: LEVAL, Circuit Judge, AND KOELTL, District Judge.*†

On remand from the United States Supreme Court.

Whereas on April 27, 2020, the Supreme Court of the United States granted a petition for certiorari and vacated this Court's ORDER, dated June 3, 2019, that declined to recall this Court's mandate issued on November 28, 2016; and the Supreme Court remanded the case to this Court for further consideration in light of the Promoting Security and Justice for Victims of Terrorism Act of 2019, Pub. L. No. 116-94, div. J, tit. IX, § 903, 133 Stat. 3082 (the "PSJVTA"),

Now, therefore, this Court REMANDS this case to the district court for the limited purposes of determining the applicability of the PSJVTA to this case, and, if the PSJVTA is determined to apply, any issues regarding its application to this case including its constitutionality.

* Judge John G. Koeltl, of the United States District Court for the Southern District of New York, sitting by designation.

† Judge Christopher Droney, who was originally a member of this panel, retired from the Court effective January 1, 2020, before the determination of this matter. The remaining two members of the panel, who are in agreement, have determined this matter. See 28 U.S.C. § 46(d); 2d Cir. IOP E(b); United States v. Desimone, 140 F.3d 457, 458-59 (2d Cir. 1998).

After the district court has concluded its consideration, the case will be returned to this Court for further proceedings. See United States v. Jacobson, 15 F.3d 19, 22 (2d Cir. 1994). The plaintiffs-appellees-cross-appellants' motion, filed on October 8, 2018, to recall the mandate, issued on November 28, 2016, will be held in ABEYANCE.

The Clerk should issue the mandate forthwith.

For the Court:
Catherine O'Hagan Wolfe,
Clerk of Court




A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit


